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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donohoe, Brendan M.; et. al.
Assignee: Cardica, Inc.
Title: Method and Apparatus for Creating an Opening in the Wall of a Tubular Vessel
Serial No.: 10/054,745 Filing Date: January 22, 2002
Examiner: Bui, Vy Q. Group Art Unit: 3731
Docket No.: 057

December 10, 2004

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(UNDER 37 CFR §41.31)**

Sir:

Applicants hereby appeal the Final Rejection of Claims 1, 3-6, 8-12, 16, 17, 20-22, 25-35, 37, 42 and 52-61 in the Final Office Action of November 17, 2004 to the Board of Patent Appeals and Interferences. Enclosed is check no. 11002 in the amount of \$250.00 for this Notice of Appeal as set forth in 37 CFR §41.20(b)(1).

No extension of time is believed to be required. If, however, an extension of time is required, please provide such extension of time, and please charge Deposit Account No. 502108 for the extension fee. Please charge any amounts underpaid or credit any amounts overpaid to Deposit Account No. 502108.

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Respectfully submitted,

Brian A. Schar, Esq.
Attorney of Record
Reg. No. 45,076
Cardica, Inc.
900 Saginaw Drive
Redwood City, CA 94063



December 10, 2004

Mail Stop AF

Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: Applicant(s): Donohoe, Brendan M.; et. al.
Assignee: Cardica, Inc.
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Tubular Vessel
Serial No.: 10/054,745
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Docket No.: 057

Filed: January 22, 2002
Group Art Unit: 3731

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter;
- (2) Notice of Appeal;
- (3) Check no. 11002 in the amount of \$250.00; and
- (4) Return postcard.

Please charge Deposit Account 502108 for any additional fees required, and credit deposit account 502108 any amounts overpaid.

**EXPRESS MAIL SERIAL NO.
EV430390138US**

Respectfully submitted,

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